

1 James T. Walker
2 P.O. Box 9301
3 109 Maher Court
4 Vallejo, CA 94591
5 Tele: (707) 315-3310

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8 Plaintiff,
9 JAMES T. WALKER
10 in pro per

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CIVIL JURISDICTION

11 JAMES T. WALKER,
12 Plaintiff,
13 vs.
14 C & H SUGAR, et. al.,
15 Defendants.

Case Number: C07-3100 BZ
PLAINTIFF'S SEPARATE CASE
MANAGEMENT CONFERENCE
STATEMENT
JURY TRIAL DEMANDED

CASE MANAGEMENT CONFERENCE STATEMENT

I. JURISDICTION and SERVICE

This action arises under the rules of admiralty and maritime law, (the Jones Act claims, 46 U.S.C., and general maritime laws, 46 U.S.C. 46, U.S.C. Section 688 recently re-codified at 46 U.S.C. 30106, Section 1333 - federal question, and 28 U.S.C. Section 1367 - supplemental jurisdiction).

All parties have been served.

II. FACTS

1 On or about May 1, 2002, while operating in the course and scope of his employment with
2 Pacific Maritime Association, was employed at the C & H Sugar plant in Crocket, CA. ON that
3 date, Defendant C & H Sugar was engaged in unloading raw sugar which sugar was to be refined at
4 its Crocket, CA location. A person operating C & H Sugar equipment (backhoe) struck Plaintiff
5 causing Plaintiff severe disabling and life long injuries. The operator contemporaneously stated that
6 the equipment malfunctioned.

7 Separately, Plaintiff claims that he was discriminated against by his employer and his union.
8 Immediately after his injury, and while incapacitated, he, through the efforts of family members,
9 sought help due to his disability and was ignored.

10 **III. LEGAL ISSUES**

11 C & H Sugar and related parties asserts a statute of limitations defense. Plaintiff submits that
12 he was incapacitated throughout the statute of limitations period and that said period is tolled.

13 Other parties claim no discrimination.

14 **IV. MOTIONS**

15 Plaintiff anticipates moving the Court to add Defendants and causes of action post discovery.

16 **V. AMENDING PLEADINGS**

17 Please see above.

18 **VI. EVIDENCE PRESERVATION**

19 Plaintiff has preserved any and all evidence to be used in his case-in-chief. It is unknown
20 whether or not C & H Sugar has preserved records regarding its equipment and statements taken at
21 the scene.

22 **VII. DISCLOSURES**

23 Plaintiff is currently preparing his Rule 26 Disclosures. Plaintiff has not received Rule 26
24 Disclosures from any party.

25 **VIII. DISCOVERY**

26 No discovery has been conducted as yet. Plaintiff anticipates concluding his own discovery
27 over the next 90 days.

IX. CLASS ACTION

This is not a class action case.

X. RELATED CASES

Plaintiff is unaware of any related cases.

XI. RELIEF

Plaintiff seeks compensation for his injuries and compensation for the discrimination he's experienced.

XII. SETTLEMENT and ADR

There have been no settlement discussions. Plaintiff is open to ADR.

XIII. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES

Plaintiff consents to the sitting Magistrate Judge.

XIV. OTHER REFERENCES

None.

XV. NARROWING ISSUES

Plaintiff submits that given his medical records, the tolling of the statute of limitations should be conceded by opposition parties.

XVI. EXPEDITED SCHEDULE

None.

XVII. SCHEDULING

Plaintiff suggests that he can designate experts without six months and will be ready for trial within one year.

XVIII. TRIAL

Due to the number of medical documents and health care professionals dealing with multiple injuries, Plaintiff anticipates 7 days for trial before a jury.

XIV. DISCLOSURES RE INTERESTED PARTIES

None.

1 Date _____

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4 JAMES T. WALKER
Plaintiff in pro per

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Discrimination based on the fact that Employer and Union maintain policies concerning what action is to be taken when someone suffers the degree of injury such as J.T. and failed to engage those policies as to J.T. In other words, other persons were treated differently and better.